IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.373 OF 2007
IN
CRIMINAL APPEAL NO.306 OF 2007

Satish @ Ghamendilal Choutele ...Applicant.
V/s.
The State of Maharashtra ...Respondent

Shri Ganesh R. Iyer/R.V.Gupta, advs. for the Applicant
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st April, 2007.

P.C.:

1. Heard Mr.Gupta the learned counsel for the applicant and Ms.Gajare the learned APP for the State.

2. By this application, the applicant seeks condonation of delay of 3 months and 8 days in filing appeal against the conviction for the offences punishable under Section 307 and 324 of the I.P.C. For the offences punishable under Section 307, he was sentenced to undergo R.I. for 5 years and to pay fine of Rs.1,000/- by the judgment dated 30-9-2006. According to the applicant after conviction he was transferred to Kolhapur Jail while his other family members resided at Bombay. Because of poor financial condition, he could not engage any lawyer to prefer appeal within the time.

3. Taking into consideration the circumstances stated by him in the application, I find that delay is properly explained and deserves to be condoned.

4. Hence, application is allowed. Delay is condoned.

(J.H.Bhatia,J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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CRIMINAL APPEAL NO.306 OF 2007

Satish @ Ghamendilal Choutele ...Appellant.
V/s.
The State of Maharashtra ...Respondent

Shri Ganesh R. Iyer/R.V.Gupta, advs. for the Appellant
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st April, 2007.

P.C.:

1. Heard Mr.Gupta the learned counsel for the appellant and Ms.Gajare the learned APP for the State.

2. Admit.

(J.H.BHATIA, J.)

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Shri Ganesh R. Iyer/R.V.Gupta, advs. for the Applicant.
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st April, 2007.

P.C.:

1. Heard Mr.Gupta the learned counsel for the applicant and Ms.Gajare the learned APP for the State.

2. The applicant was convicted for the offences punishable under Section 307 and 324 of the I.P.C. For the offence punishable under Section 307, he was sentenced to undergo R.I. for 5 years and to pay fine of Rs.1,000/-. He is also convicted for the offence punishable under Section 324 and was sentenced to undergo R.I. for six months and to pay fine of Rs.200/-. He has filed an appeal challenging the conviction and sentence. Appeal is admitted. By this

application, he seeks to be released on bail pending the appeal.

3. Record revealed that on 26-4-2004, which was the day of Holi or Dhuliwandan festival, some boys were dancing on the road with musical loudspeaker. Some police officer came to that side and asked the boys to switch off the loudspeaker. Therefore, 3 boys Jitendra, Vinod and Rajesh allegedly switched off the loudspeaker. Then the present applicant, who is the original accused, came there with sword and asked who had switched off the loudspeaker. He started moving sword and caused injuries to Jitendra, Vinod and Rajesh. On the same day, the applicant was arrested and thus, for last about 25 months he is in custody. The medical evidence revealed that none of 3 injured had suffered any serious or grievous injuries. There was no previous enmity. Accused is sentenced to undergo R.I. for 5 years and he has already undergone more than two years imprisonment. Taking into consideration the nature of the circumstances and the punishment awarded to him, I find that he may be granted bail.

4. Pending final hearing and disposal of the appeal, the applicant be released on his executing P.R. Bond of Rs.20,000/- with one or more sureties in the

like amount and subject to his depositing fine amount.

(J.H.Bhatia,J.)